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VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Notice of *Ex Parte* Meeting: Revision of the Commission's Rules to Permit
Unlicensed National Information Infrastructure (U-NII) Devices in the 5 GHz Band,
ET Docket No. 13-49**

Dear Ms. Dortch:

On August 23, 2016, Greg Bedian, Director of Engineering at Ubiquiti Networks, Inc. ("Ubiquiti") and Catherine Wang of Morgan, Lewis & Bockius LLP, outside counsel to Ubiquiti, met with the individuals identified in the attached list from the Office of Engineering and Technology in connection with the above-referenced docket.

During this meeting, we explained that Ubiquiti, as the largest supplier of high-performance networking equipment to the wireless Internet service provider ("WISP") industry and the second largest supplier to the indoor enterprise Wi-Fi market, is interested in ensuring that rules adopted for shared operation in the 5850-5925 MHz band addresses the needs of the Dedicated Short Range Communications ("DSRC") community while enabling increased capacity for consumers and facilitating continued growth in the wireless industry with the addition of U-NII-4 spectrum. We discussed Ubiquiti's recommendation that the Commission refrain from adopting the "rechannelization" or "detect and avoid" approach as outlined in the IEEE Tiger Team report. We explained that the Commission should instead adopt protocol agnostic rules and consider an approach like Ubiquiti's alternative plan whereby the U-NII-3 rules would apply to U-NII-4 devices except that outdoor U-NII-4 operations would be limited to point-to-point operations with Automatic Transmit Power Control and a periodic channel availability check to update for the occasional change in roadside DSRC infrastructure. Further, devices detecting a signal would need to move to an alternative channel but would not be required to vacate the entire band. Indoor U-NII-4 devices would operate under U-NII-3 rules.

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Vehicle-based (non-DSRC) U-NII-4 operation would be prohibited.

Specifying U-NII-4 outdoor use for point-to-point operations under these conditions would protect DSRC (and other users) by significantly reducing possible interferers and the overall footprint of possible interferers. This approach also addresses the significant challenges to implementing an outdoor network with Listen Before Talk (“LBT”) features which networks are typically compromised by frequent “false positives” and degraded throughput.

We discussed other facets of this alternative approach that would benefit from continued consideration and input by interests representing the DSRC and unlicensed communities, including further examination of appropriate power levels, implementation of a simple 24-hour periodic check for RSUs, etc.

Ubiquiti remains enthusiastic about the potential opportunities for expanded and innovative use of the U-NII-4 band by both DSRC and unlicensed devices and fully supports the Commission’s efforts in this proceeding to devise U-NII-4 spectrum sharing rules that foster innovation for both unlicensed devices and DSRC services.

A copy of the Ubiquiti Networks presentation is attached. If you have any questions regarding this *ex parte* notice, please do not hesitate to contact the undersigned.

Very truly yours,

/s/ Catherine Wang

Catherine Wang

Counsel for Ubiquiti Networks, Inc.

Attachment

CC:

Individuals listed on
Attachment A

ATTACHMENT A

FCC Meeting Attendees:

Julius Knapp, Chief, Office of Engineering and Technology (OET)

Ira Keltz, Deputy Chief, OET

Geraldine Matisse, Associate Chief Legal, OET

Howard Griboff, OET

Jamison Prime, Acting Chief, Policy and Rules Division,

Aspasia Paraoutsas, Spectrum Policy Branch Chief, Policy and Rules Division

Karen Rackley, Technical Rules Branch Chief, Policy and Rules Division

(Participating by teleconference):

Aole Wilkins, Electronics Engineer, Policy and Rules Division

William Hurst, Technical Research Branch Chief, Laboratory Division

Steve Jones, Engineer, Laboratory Division,

Reza Biazaran, Engineer, Laboratory Division